

# TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS

## PCT

### RAPPORT PRÉLIMINAIRE INTERNATIONAL SUR LA BREVETABILITÉ (chapitre I du Traité de coopération en matière de brevets)

(règle 44bis du PCT)

Référence du dossier du déposant ou du mandataire <b>35266/PCT</b>	<b>POUR SUITE À DONNER</b>		Voir le point 4 ci-dessous
Demande internationale no. <b>PCT/FR2004/003011</b>	Date du dépôt international ( <i>jour/mois/année</i> ) <b>24 November 2004 (24.11.2004)</b>	Date de priorité ( <i>jour/mois/année</i> ) <b>24 November 2003 (24.11.2003)</b>	
Classification internationale des brevets (8 <sup>e</sup> édition, sauf indication d'une #dition ant#rieure) Voir les informations pertinentes dans le formulaire PCT/ISA/237			
Déposant <b>MALEK, Pierre</b>			

1. Le présent rapport préliminaire international sur la brevetabilité (chapitre I) est établi par le Bureau international au nom de l'administration chargée de la recherche internationale selon la règle 44bis.1.a).

2. Ce RAPPORT comprend un total de 7 feuilles, y compris la présente feuille de couverture.

Dans les feuilles jointes, toute référence à l'opinion écrite de l'administration chargée de la recherche internationale doit être entendue, à la place, comme une référence au rapport préliminaire international sur la brevetabilité (chapitre I).

3. Le présent rapport contient des indications relatives aux points suivants :

- |                                     |               |   |
|-------------------------------------|---------------|---|
| <input checked="" type="checkbox"/> | Cadre n° I    | Base de l'opinion   |
| <input type="checkbox"/>            | Cadre n° II   | Priorité  |
| <input type="checkbox"/>            | Cadre n° III  | Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle  |
| <input type="checkbox"/>            | Cadre n° IV   | Absence d'unité de l'invention  |
| <input checked="" type="checkbox"/> | Cadre n° V    | Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration |
| <input type="checkbox"/>            | Cadre n° VI   | Certains documents cités  |
| <input type="checkbox"/>            | Cadre n° VII  | Certaines irrégularités relevées dans la demande internationale   |
| <input type="checkbox"/>            | Cadre n° VIII | Certaines observations relatives à la demande internationale  |

4. Le Bureau international communiquera le présent rapport aux offices désignés conformément aux règles 44bis.3.c) et 93bis.1 mais pas avant l'expiration du délai de 30 mois à compter de la date de priorité (règle 44bis.2), sauf si le déposant a présenté une requête expresse à cet égard en vertu de l'article 23.2).

Bureau international de l'OMPI 34, chemin des Colombettes 1211 Geneva 20, Switzerland  no de télécopieur +41 22 338 82 70	Date d'établissement du présent rapport <b>13 September 2006 (13.09.2006)</b>  Fonctionnaire autorisé  <b>Beate Giffo-Schmitt</b>  e-mail: pt03@wipo.int
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# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

TRANSLATION

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See form PCT/ISA/210**

Applicant's or agent's file reference

**35266/PCT**

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/FR2004/003011**

International filing date (day/month/year)

**24.11.2004**

Priority date (day/month/year)

**24.11.2003**

International Patent Classification (IPC) or both national classification and IPC

**A61C19/02, B65D43/16**

Applicant

**MALEK, Pierre**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/003011

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-14	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-14	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations:

1. The following documents cited in the search report are mentioned in the present report; the numbering given below will be used throughout the rest of the procedure:

D1: DE 298 00 782;  
D2: FR-A-2 796 874;  
D3: US-A-1 684 417;  
D4: EP-A-0 567 744;  
D5: US-A-5 692 609.

**Inventive step - PCT Article 33(3)**

2. The present application does not fulfil the requirements set forth in PCT Article 33(1) because the subject matter of **claims 1-14** does not involve an inventive step as defined in PCT Article 33(3).

- 2.1 Document D1, which is considered to be the prior art closest to the subject matter of claim 1, describes (figures 1-4; the references between

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

parentheses apply to said document):

a device for storing tools, comprising

- a pivotably mounted lid (12) that includes a pivot axis for device opening, with said two attachment points (25, 26) being along the pivot axis of the lid body (12), and
- a complementary body (11); wherein
- said lid (12) includes, at one of the ends thereof, a projection (31) for initiating the pivotal motion of said body (12) via pressure on said projection (31).

It follows that the subject matter of claim 1 differs from this known storage device in that:

- said lid body includes **means for receiving tools**.

The problem that the present invention is intended to solve can therefore be considered to be that of **storing tools in a box**.

Document D2 (figures 1-5) describes a box that has a lid (3) with means (24) for receiving tools.

It follows that the solution proposed in **claim 1** of the present application is not considered to be inventive (PCT Article 33(3)).

- 2.2 Document D1 also describes the features in claims 3, 4, 8, 12 and 13.

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

**Claims 3-4:**

- an opening abutment (29, figure 2) attached to said bottom wall; and
- a closing abutment (18, figure 3).

**Claim 8:**

- the attachment points (25, 26) consist of two flanges on said lid that are inserted into two slots on said complementary body (11).

**Claims 12-13:**

- said lid (12) and said complementary body (11) are made of plastic and are of two different colours (page 5, lines 15-18).

It follows that the subject matter of **claims 3-4, 8 and 12-13** does not involve an inventive step as defined in PCT Article 33(3).

2.3 The features in **dependent claims 2, 5, 6, 9 and 14** have already been used for the same purpose in a similar storage device (see document D2, figures 1-5: attachment elements (24) rigidly connected to said lid, two lugs (23, 24), and a plurality of openings).

It would be obvious for a person skilled in the art to use these features with a corresponding effect in a storage device as per document D1 and thereby arrive at a storage device as per **claims 2, 3, 5, 6, 9 and 14**.

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
2.4	<p>The features in <b>dependent claims 10 and 11</b> have already been used for the same purpose in a similar storage device (see document D3, figures 1-2, hollow tubes and two projections (58)).</p> <p>It would be obvious for a person skilled in the art to use these features with a corresponding effect in a storage device as per document D1 and thereby arrive at a storage device as per <b>claims 10 and 11</b>.</p>
2.5	<p><b>Claim 7</b> defines a slight structural modification to the device described in claim 3 (the complementary body includes a truncated portion). This modification would be routine practice to a person skilled in the art and the resulting advantages are easily foreseeable. As a result, the subject matter of claim 7 does not involve an inventive step either.</p>